IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B.CRIMINAL REVISION PETITION NO. 1121/2002
(Shashi Kant Sharma Vs. Smt. Santosh Rankawat)

Date of Order : 14/07/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Rakesh Arora for the petitioner
Mr. Haider Agha for the non-petitioners.

BY THE COURT:-

By the instant criminal revision petition under Section 397 r/w Section 401 Cr.P.C., the petitioner has challenged the order dated 21.10.2002 passed by the Judge, Family Court, Jodhpur (for short 'the trial court' hereinafter) in criminal case No.126/99, whereby the application filed by the non-petitioners under Section 125 Cr.P.C. was allowed and maintenance at the rate of Rs.800/- per month in favour of non-petitioner No.1 and at the rate of Rs.700/- per month in favour of non-petitioner No.2 Monika minor daughter of the petitioner, was granted from the date of application 22.10.99. Aggrieved by the order impugned, the petitioner has filed the instant revision petition.

I have heard learned counsel for the petitioner and counsel appearing for the non-petitioners. Carefully gone through the order impugned as also the record of the trial court.

By an application, the non-petitioner No.1 stated that the she married to the petitioner according to Hindu rites on 19.11.1991 and from the wedlock she gave birth to non-petitioner No.2 Monika a minor daughter of the parties. These facts have not been disputed by the petitioner in his reply to the application. The non-petitioner stated that the petitioner despite having sufficient means failed to maintain and neglected her. She alleged that the petitioner and his family members were not happy with the dowry articles and ornaments given and therefore, the petitioner started harassing the non-petitioner in connection with demand of dowry. She has placed on record certain letters alleged to have been written by the petitioner to the father of the non-petitioner demanding the amount.

Before the trial court, the non-petitioner herself appeared as PW-1 and produced PW-2 Nenuram. The petitioner did not lead any evidence and failed to controvert the evidence produced by the non-petitioner. From the evidence of the non-petitioner it has been established that the petitioner failed to maintain the non-petitioner. Apart from the allegation of demand

of dowry, scooter etc. there is also an allegation that the petitioner used to give beating to the non-petitioner No.1 and other relatives of the petitioner have been demanding the dowry and in connection with demand of dowry used to harass the non-petitioner. In the year 1995, she came from Beawar to Jodhpur on being harassed by the petitioner and his relatives. She categorically stated that the petitioner is earning Rs. 8000/- to 9000/- per month whereas she has absolutely no source of income and unable to maintain herself and her daughter non-petitioner No.2. On the relevant date of recording statement of PW-1 i.e. 8.4.2002, non-petitioner No.2 was a student of Class-III. She further stated that for her education at least a sum of Rs.600/- to Rs.700/- per month is required to be incurred. The trial court considering the un-controverted evidence produced by the non-petitioner granted maintenance as noticed above.

On close scrutiny of the statement of witnesses, in my view, the trial court rightly concluded that the petitioner failed to maintain the non-petitioner and accordingly awarded the maintenance by the order impugned. It cannot be said that there is any procedural irregularity or jurisdictional error committed by the trial court. On the contrary, every piece of evidence has been properly appreciated by the trial court. In the circumstances therefore, I do not find any error, illegality or

perversity in the order impugned warranting interference in the revisional jurisdiction.

The revision petition is, therefore, dismissed. Stay petition also stands dismissed.

(H.R.PANWAR),J.

Rp